

MINUTES
Environmental Certification Regulatory Review Committee Meeting
August 2, 2022 at 10 a.m.
WebEx Webinar/Teleconference Meeting

Call to Order

Ken Tuck called the meeting to order at 10:07 a.m.

Statement of Public Notice

Mr. Tuck stated that public notice of this meeting was properly posted at the S.C. Environmental Certification Board office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. Members of the public who wish to attend may do so by telephone or the Internet. For login information, please email Contact.Environmental@llr.sc.gov.

Introduction of Board Members and Others

Other committee members participating included David Baize; Ronald Swearingen; Heather Lawson; and Jill Miller.

Staff members participating included Hardwick Stuart, Esq., Office of Advice Counsel; Johnnie Rose, Program Coordinator; and Sherri Moorer, Program Assistant.

Others participating included: Katherine Boone (Creel Court Reporting).

Approval of Agenda

MOTION: To approve the agenda of the August 2, 2022, committee meeting.
Swearingen/Miller/approved

Approval of Excused Absences

MOTION: To approve the absences of Jimmy Rodgers; Stacy Taylor; Doug Kinard; Paul Calamita; and Pam Dunkin.
Swearingen/Miller/approved

Selection of Committee Chairperson

MOTION: To designate Ken Tuck as Chairman and David Baize as Vice-Chairman.
Miller/Lawson/approved

New Business – Review of SC Code of Regulations, Chapter 51

The committee proposed the following changes to the SC Code of Regulations, Chapter 51:

- Chapter 51-1: change the last sentence to read “An application that is not completed by the applicant within twelve (12) months of receipt by the board shall become inactive.
- Chapter 51-2: No changes.
- Chapter 51-3(A): add “except as provided in 51-8” at the end of the sentence.

- Chapter 51-3(D): modify to read “Licensees and applicants are responsible for notifying the board within fifteen (15) days, whenever they change employers and their position requires a certification which they do not currently possess.” This item is pending further discussion when Mr. Calamita is present to discuss this suggestion in detail.
- Chapter 51-4: strike “and Permit” from title of section. We also need to be consistent with using the term “reinstatement” and “late renewal” throughout this section, and to match the verbiage in the statute. The Board also needs to recommend adding the \$200 late fee to Chapter 10.
- Chapter 51-5: strike section.
- Chapter 51-6: strike “and on the South Carolina Environmental Certification Board website at <http://lr.sc.gov/POL/Environmental>.”
- Chapter 51-7: no changes, pending further review on whether this section is redundant with statute.
- Add Chapter 51-8 as follows, pending further discussion:
 - 51-8. Reciprocity Without Examination**
 - As used in S.C. Code Title 40-23-240(B)**
 - A. The Board may license a person who is currently credentialed in another jurisdiction of the United States for licensed activities regulated by this chapter if the person demonstrates to the satisfaction of the board that he possesses credentials, education, and experience that are the substantial equivalent of the requirements of this chapter for the licensed activity in question.
 - B. Upon receipt of an application for reciprocity without examination, the Board staff shall make a determination of completeness and, within 14 business days of completeness, either (1) approve, (2) deny, or (3) submit it to the relevant Board member for a determination.
 - C. Each Board member shall, within 14 business days of receipt of any application for reciprocity without examination either (1) approve, (2) deny, or (3) refer the request to the full Environmental Certification Board for decision at their next regularly scheduled meeting. The Board will need to discuss an immediate plan to set criteria for staff level licensure of reciprocity candidates to alleviate the current operator shortage and ensure timely processing of these applications.

Mr. Stuart told the committee that the next step is to have the Board perform a regulatory review at their meeting on October 27, 2022. The Board can vote to publish a Notice of Drafting, and move forward with the committee recommendations for regulation changes in 2023.

The committee members expressed a desire to have the Board address establishing criteria for review of reciprocity applications at the October 27, 2022, meeting.

Adjournment

There being no further business,

MOTION: To Adjourn.
Baize/Miller/approved

The meeting adjourned at 11:44 a.m.